

Washington Department of Fish and Wildlife Centennial Accord Implementation Plan

May, 2010

Background

Procedures for implementing government-to-government policy between WDFW and the Northwest region Indian tribes related to the management of fisheries and hunting activities are well-established through decisions of the federal court, specific state-tribal understandings, agreements, and management plans. Notable examples of federal case law that provide the legal foundation for the cooperative management relationship between WDFW and the treaty Indian tribes include U.S. v Washington, U.S. v Oregon, and Hoh v Baldrige. This Centennial Accord Implementation Plan is intended to highlight existing mechanisms for effective government-to-government policy implementation and to present the status of current policy issues to aid resolution of disputes that may arise between WDFW and the Northwest Indian tribes.

Plan

1. Programs (list of programs and services available to tribes)

Besides the normal co-management activities of WDFW and the tribes, a number of services are available to tribal members that WDFW provides to the public at large. Reference to most of these services can be found on WDFW's internet site:

<http://wdfw.wa.gov/>

Contact information is also provided in Attachment 1. Some examples of these services are listed below:

- A variety of regional information on fish and wildlife population, habitat and enforcement issues can be obtained by contacting the appropriate regional office (see Attachments 1 and 2).
- Volunteer fish culture and habitat improvement opportunities can be accessed through various WDFW sponsored activities, including co-op groups and regional fishery enhancement groups - information is available on the internet at <http://wdfw.wa.gov/volunteer/index.htm> or by calling the WDFW Partnerships and Volunteer Program (Attachment 1).
- The Washington State Department of Fish and Wildlife Enforcement Program has instituted an on-line reporting page for fish/wildlife violations (internet address: http://wdfw.wa.gov/enforcement/reporting_violations.html). This information provides any individual, including tribal members, the opportunity to report a possible fish and wildlife rule violation. Individuals that witness and would like to report a violation, can also call toll-free 1-877-933-9847. (Please note that online email will only be read during regular business hours, between 8:00 a.m. and 5:00 p.m., Monday - Friday. Violations underway and needing immediate

response should be phoned in to ensure prompt response). Reports are confidential and are forwarded to a Fish & Wildlife Officer for investigation.

- Violator information that leads to an arrest could be eligible for a cash reward or hunting bonus points. Other fish and wildlife enforcement information is also available at the above internet address.
- Permanent employment opportunities with WDFW are normally filled through the procedures and services of the State Department of Personnel (internet site: <http://hr.dop.wa.gov/>). Job links and employment search services also are available through the internet at: <http://wdfw.wa.gov/employment/index.htm>. Information on temporary job opportunities with WDFW can be obtained by calling WDFW's personnel office (Attachment 1).
- A variety of information on salmon recovery is available on WDFW's web site at: <http://wdfw.wa.gov/recovery.htm>.

2. ***Funding Distribution*** (list of funding distribution methods currently available to tribes)

WDFW does not administer a significant array of funding assistance programs. However, with respect to implementing volunteer programs for fish culture and habitat improvement projects, the Fish Program does oversee several programs that provide some project assistance (Attachment 1). The Salmon Recovery Funding Board, on which WDFW and tribes have representation, provides significant competitive funding of salmon recovery projects. Contact information is as follows: The Recreation & Conservation Office, P.O. Box 40917, Olympia, Washington 98504-0917 (Telephone (360) 902-3000; FAX - (360) 902-3026; TDD - (360) 902-1996; E-Mail salmon@rco.wa.gov). The Board's internet address is: http://www.rco.wa.gov/salmon_recovery/index.shtml.

3. ***Consultation Process***

General

WDFW and the tribes consult through a variety of co-management forums. The Natural Resource policy leaders at each of the tribes are the best initial contacts to determine the appropriate forum or WDFW representative to contact about any particular policy issue. Forums are as follows:

- Annual state-tribal co-management meetings between WDFW and the coastal and Puget Sound (*U.S. v. Washington*; *Hoh v. Baldrige*) treaty Indian tribes is typically held in May. Organizers are the Northwest Indian Fisheries Commission on behalf of the tribes and WDFW's Director's Office (list of various WDFW contacts provided below).
- An annual shellfish co-management meeting between WDFW and the Puget Sound treaty Indian tribes is scheduled at varying calendar times.
- The annual state-tribal North of Falcon planning process occurs between late February and early April each year to negotiate and agree to annual salmon

fishing seasons and management processes for the Columbia River, Coastal, and Puget Sound areas.

- WDFW also meets with tribal representatives on a regional and individual basis annually to discuss wildlife and hunting issues.
- WDFW and the tribes meet in numerous regional forums to jointly develop management plans for steelhead, marine fish, and a variety of shellfish species.
- The Policy Advisory Group (PAC) on the Columbia River provides a well-established state-tribal policy communication forum among state, tribal and federal managers as does the Columbia Basin Fish and Wildlife Authority.

Because these types of contacts are routine and involve a large number of WDFW staff, WDFW does not have any single tribal liaison or contact point. Nevertheless, a list of key contacts is provided as Attachment 1 that can serve as communication points for various state-tribal policy issues regarding fish and wildlife, and their habitats. A map of the various Fish and Wildlife regions is presented in Attachment 2. If any doubts exist about whom to contact regarding a state-tribal fish and wildlife issue, please call Pat Pattillo (360-902-2705) or Nate Pamplin (360-902-2693).

Example: Implementation of Comprehensive Puget Sound Chinook Management Plan, Harvest Management Component: Centennial Accord Implementation Case Study

Since the early 1990s, Washington Department of Fish and Wildlife and the Puget Sound Treaty Indian Tribes have been developing and implementing conservation measures directed at protection and rebuilding of depleted Puget Sound Chinook salmon. In 1999, those fish, in addition to Hood Canal and Strait of Juan de Fuca summer chum salmon, were listed as threatened under the Endangered Species Act (ESA). Changes in harvest plans that had been evolving through the 1990s became the subject of consultation under Section 4(d) ESA.

The Comprehensive Puget Sound Chinook Management Plan is one of several plans under the jointly-developed, court-filed Puget Sound Salmon Management Plan (PSSMP) that outlines the conduct of salmon co-management planning and fisheries implementation. The PSSMP includes guidance on common terminology, information sharing, general salmon stock management structure, and dispute resolution. The Comprehensive Puget Sound Chinook Management Plan includes specific fisheries provisions affecting Puget Sound Chinook salmon, and also includes performance measures and monitoring plans.

Development and updating of this Plan begins with collation of the necessary data, design and testing of evaluation and assessment tools, and implementation of methods devised to limit fishing impacts to wild Chinook while allowing fishing access to harvestable populations and species. State and tribal staff worked side by side to produce this co-management Plan.

Conservation objectives defined in the Plan needed to meet the stringent requirements of NOAA's ESA Section 4(d) rules for conservation plans – primarily, the Plan in its entirety must not impede recovery of the Puget Sound chinook evolutionarily significant unit. The Plan is actually the collaborative product of top salmon

scientists with knowledge specific to Puget Sound, Hood Canal, and Strait of Juan de Fuca salmon, and includes staff from WDFW, individual tribes, Northwest Indian Fisheries Commission, NOAA, and local government.

The Chinook Plan received provisional 2-year approval for the 1991-1992 fishing seasons, and additional interim approval for the 2003 season. By late 2003, WDFW and the tribes were satisfied that the Plan was ready for longer-term implementation.

An Environmental Impact Statement was developed by tribal and state staffs to provide for public review of the Plan and of NOAA's judgments about the Plan. NOAA approved the Plan through the 2009 season.

During 2008 and 2009, the co-managers revised the Plan to address improvements to conservation objectives and updates to data supporting the Plan. The result of that joint effort is the submission of a revised Comprehensive Puget Sound Chinook Management Plan to NOAA for approval under procedures of the ESA for the next five years (2010-2014).

The significance of this activity is profound. First, staffs from every Puget Sound tribe and WDFW came together with sustained focus to determine and mitigate problems with Puget Sound Chinook that are affected by, and can be mitigated through, actions under state or tribal authority (i.e. restrictions to fishing seasons and methods). Policy managers from the state and tribes applied their experience with implementing the initial Plan using extensive evaluation and adaptive management to shape "final" provisions of the revised Plan.

Finally, tribal and non-tribal fishers benefit from the Plan because its implementation contributes to rebuilding of Puget Sound salmon stocks and stabilization of coast-wide fishing seasons (from Washington to California).

4. *Dispute Resolution Process*

WDFW and the Northwest tribes employ a number of informal and formal dispute resolution processes. Informal dispute resolution normally entails policy-to-policy contacts, which also represent the first stage of formal dispute resolution. In the *U.S. v Washington* case area, a formal meet-and-confer provision is identified in the Puget Sound Salmon Management Plan as a dispute resolution precursor to court litigation on salmon management issues. Technical salmon management disputes may be resolved through a Fisheries Advisory Board, which has been established as a formal dispute resolution mechanism of continuing federal court jurisdiction under *U.S. v Washington*. Most state-tribal fishery management plans specifically identify dispute resolution mechanisms or processes. Incidence of formal dispute resolution relative to fishery issues, whether technical or otherwise, has decreased, due mainly to the intergovernmental relationships and understanding developed through more than thirty years of cooperative management.

Attachment 1 – Key WDFW Natural Resource Management Contacts

Name	Title	Phone	Role
Phil Anderson	Director	360-902-2720	Agency-wide policy
Joe Stohr	Deputy Director	360-902-2650	Agency-wide policy
Sara Laborde	Special Assistant to the Director	360-902-2224	Natural Resource Policy
Steve Pozzanghera	Region 1 Director, Spokane	509-892-7852	Regional policy representative
Dennis Beich	Region 2 Director, Ephrata	509-754-4624	Regional policy representative
Jeff Tayer	Region 3 Director, Yakima	509-575-2740	Regional policy representative
Bob Everitt	Region 4 Director, Mill Creek	425-775-1311 ext. 117	Regional policy representative
Guy Norman	Region 5 Director, Vancouver	360-906-6704	Regional policy representative
Michele Culver	Region 6 Director, Montesano	360-249-4628 ext. 1211	Regional policy representative
David Geiger	Special Assistant to the Director	360-902-2241	Performance & Accountability
Bill Tweit	Director's Office	260-902-2723	Columbia River policy lead
Pat Pattillo	Special Assistant to the Director	360-902-2705	Natural Resource Policy
Kyle Adicks	Director's Office	360-902-2664	Anadromous Resources Co- Management Analyst
Dave Brittell	Wildlife Program Assistant Dir.	360-902-2504	Statewide wildlife management
Lisa Veneroso	Habitat Program Assistant Dir.	360-902-2836	Statewide habitat management
Jim Scott	Fish Program Assistant Director	360-902-2736	Statewide fish management/hatcheries
Bruce Bjork	Enforcement Assistant Director	360-902-2373	Statewide enforcement chief
Nate Pamplin	Wildlife Program Deputy Assistant Director	360-902-2693	Statewide wildlife management
Dave Ware	Wildlife Program Manager	360-902 2509	Big game management lead
Ann Larson	Legislative Liaison	360-902-2226	Legislative affairs coordinator
Dianne Ludwig	Fish Program Manager	360-902-2252	Partnerships and Volunteers Program
Cindy Lerch	WDFW Personnel Manager	360-902-2280	WDFW Personnel
Frank Hawley	Division Manager	360-902-2453	Licensing Division
WDFW Poaching Hotline		1-800-477- 6224	

Attachment 2 – Map of Washington Department of Fish and Wildlife Regions

